

REMARKS/ARGUMENTS

Claim Objections

The Examiner has objected to Claim 1 stating that human body portions may not be claimed, and the Examiner has suggested adding the word “adapted” so that phrase of concern would be --adapted for placing one or more body portions--. Applicant appreciates the Examiner’s suggestion and has added the word “adapted” to Claim 1.

The Examiner has objected to Claims 10 and 16 for similar reasons that Claim 1 is objected to. Additionally, the Examiner has suggested alternative wording. Applicant has either taken the phrase out entirely, or amended Claims 10 and 16 as the Examiner has suggested.

The Examiner has objected to Claim 18 suggesting that “ncludes” should be –includes--. Applicant has amended Claim 18 as the Examiner suggests.

Rejection of Claims 1, 6, 8 and 10 Under 35 U.S.C. '102 as Being Anticipated by Monk

The Examiner rejects Claims 1, 6, 8, 10-12, and 16-18 under 35 U.S.C. 102(b) as being anticipated by Monk. Regarding Claim 1, the Examiner has provided new grounds for rejection by changing the reference in Monk that the Examiner has identified as the “desired article” of Claim 1 and now identifies this “desired article” as the wrapper 32 of Monk. Applicant respectfully contends that the Examiner’s new identification of elements of Claim 1 with components of Monk’s key-retaining device 10 is not justified in that Monk’s description does not disclose or suggest the Examiner’s asserted relationships between such components. In particular, the Examiner asserts that Monk

“discloses a first portion, connecting between at least a portion of the shoulder (12) and the outwardly extending portion (18), wherein the user of the device can reversibly attach different items (26) to the device by inserting for each of the different items (26) an attachment (40) in the aperture provided in the outwardly extending portion (18).”

This statement is incorrect; Monk does not disclose such structural relationships. In brief, the wrapper 32 *entirely encloses* **ALL** other components of Monk’s key-retaining device 10. Thus, there can be NO “outwardly extending portion” as Claim 1 recites “wherein a user of said device

can reversibly *attach different items* to said device *by inserting* for each of said different items an attachment *in said aperture provided in said outwardly extending portion.*"

To be more specific, the Examiner identifies the "outwardly extending portion" of Claim 1 as Monk's post 18, the "aperture" of Claim 1 as Monk's hole 38, and the "attachment" of Claim 1 as Monk's pin 40. However, Monk states that

"Attached to the under surface of the base plate member 12 is a flexible wrapper 32 which may be conformably shaped in accordance with known key retainers to form a case and to enable the shank of a retained key to extend outwardly from the device when *the wrapper 32 is entirely wrapped about the structural assembly made up of the plate members and other components of the device 10.*" (Monk, col. 3, lines 44-51).

Thus, clearly the plate member 14 is provided on the "interior side" of the wrapper 32. However, Fig. 2 clearly shows that the pin 40 is immediately *adjacent to and contacting* the plate member 14. Thus, the pin 40 MUST also be *interior* to the wrapper 32, and accordingly then so must the hole 38 be interior to the wrapper 32. Furthermore, Monk clearly states that this is the case. For example, in the description of an alternative pin embodiment (pin 64), Monk states that such pins *contact* the plate member 14 as shown in Fig. 2. For example, in describing pin 64, Monk states that:

"It is believed that use of the pin 64 in combination with the slots 62 and the hole 38 of the post 18 provides greater stability for the removable plate 14 and keys therebeneath, because of the symmetrical layout of projecting portions of *the pin 64* which extend outwardly around the post 18 and *thereby contact the upper exposed surface of the installed plate member 14.*" (Monk, col. 5, lines 4-11).

Accordingly, Monk's wrapper 32 MUST encase the entire structural assembly shown in Fig. 2. Thus, there is NO "aperture provided in said outwardly extending portion" as the Examiner contends.

Moreover, this analysis is consistent with other passages of Monk where the wrapper 32 is described as "shaped in accordance with known key retainers to form a *case*". Note, that

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“case” in this context is believed to mean “an outer covering or housing” as per Webster’s Ninth Collegiate Dictionary.

It also appears that the Examiner has given no weight to the limitation of Claim 1 that states that the “first portion” is “**for supporting said device on said desired article**”. Note that such support by the wrapper 32 is not disclosed or suggested in Monk. Stated differently, it is believed that the Examiner can not make a case from Monk that the “first portion” (which presumably the Examiner has identified as a portion of the post 18) is supported by Monk’s wrapper 32. In particular, Monk clearly states that:

“It will be noted in FIG. 1 that the base plate 12 is attached to the wrapper 32 by means of rivets 42 and 44.” (Monk, col. 3, lines 65-66).

That is, if the wrapper 32 can be said to support Monk’s “structural assembly” at all, such support would be where the structural assembly and the wrapper 32 are attached together. Thus, Applicant submits that in no way is there a portion of Monk’s post 18 that provides support for supporting Monk’s key-retaining device 10 (or the structural assembly of Fig. 2) on the wrapper 32. That is, since the Examiner appears to be identifying the first portion as part of post 18, there is no disclosure or suggestion in Monk of Monk’s structural assembly (or any portion thereof) being supported on the wrapper 32, via any portion of the post 18.

It is requested that if the Examiner disagrees with this conclusion, that citations from Monk be provided that clearly indicate that there is an appropriate portion of the post 18 that supports, e.g., the structural assembly of Fig. 2 on the wrapper 32.

Thus, it is believed from the above reasoning that both amended Claim 1 is in condition for allowance.

Regarding Claims 6, 8, these claims are believed patentable due to their dependence upon patentable Claim 1.

Regarding Claim 10, Applicant respectfully traverses the Examiner’s identification of this claim’s recited elements with the components of Monk’s key-retaining device 10. In particular,

there are discrepancies between the limitations of Claim 10 and the Examiner's interpretation thereof. Such discrepancies are as follows:

- (a) The Examiner has given the phrase "first and second opposed surfaces" an unconventional interpretation. It is believed that the Examiner's interpretation should not apply in that both the first surface and the second surface are both part of the *planar* surface of Monk's plate member 12 that faces toward the reader in Fig. 1. However, to both further clarify and broaden the Claim 10, Applicant has deleted the word "opposed".
- (b) The Examiner asserts that the "contact portion" of Claim 10 can be identified with what the Examiner states is the "lower portion of post, top portion of shoulder". It is believed that the Examiner is referring the lower portion of Monk's post 18 and the top portion (i.e., surface) of the plate member 12. However, there appears to be no suggestion or disclosure of these portions of Monk's structural assembly being for supporting Monk's structural assembly on the wrapper 32. Indeed, it appears, both in Fig. 1 and especially Fig. 2, that neither the lower portion of the post 18 nor the top portion of the plate member 12 even contacts the wrapper 32 in that there is at least the plate member 14, and a pin (40 or 64) at each end of plate 14 between the such a "contact portion" and the wrapper 32. Additionally, there may also be one or more keys 16 and/or spacers 50 between the wrapper 32 and what the Examiner identifies as the "contact portion".

Furthermore, even assuming by some means there is contact between:

- (i) the lower portion of post 18 together with the top portion of the plate member 12,
and
- (ii) the wrapper 32,

such contact is not for supporting the Monk's structural assembly (or any portion thereof) on the wrapper 32. Any such contact is merely incidental, and not functional for supporting Monk's structural assembly on the wrapper 32. In particular, as indicated above in the discussion of Claim 1, Monk states that

“It will be noted in FIG. 1 that the base plate 12 is *attached* to the wrapper 32 by means of rivets 42 and 44.”

That is, according to Monk’s Fig. 1, these rivets must attach the wrapper 32 to the *opposite* (i.e., bottom) side of the plate member 12.

Additionally, regarding paragraph (a) of Claim 10, *no* part of what the Examiner identifies as the “contact portion” extends through the wrapper 32 as paragraph (a) of Claim 10 recites. In fact, at most, only the free ends of the posts 18 and 20 may extend through the wrapper 32 since the plate 14, the pins (40 or 64), and any keys 16 (and/or spacers 50) are stacked on the lower portion of both of Monk’s posts thereby preventing such a lower portion extending through the wrapper 32.

Moreover, Claim 10 now states that “said desired article supports said device by *requiring* one of (a) and (b) following”. Thus, since paragraph (a) recites that the “*contact portion includes a portion of said length extending through said desired article*”, this requirement (i.e., paragraph (a)) is clearly not necessary in Monk for his structural assembly to be “supported” by his wrapper 32 in that the wrapper 32 attached to Monk’s structural assembly by the rivets 42 and 44.

Further, paragraph (b) of Claim 10 now recites that:

“said contact portion includes at least a portion of said second surface such that a portion of the desired article is provided *between* said portion of said first surface and said portion of said second surface for securing said device to the desired article, wherein *said first and second surfaces confront one another.*”

It is believed that the Examiner’s identification of first and second surfaces does not apply in that the corresponding surfaces identified by the Examiner do not “confront” one another.

Thus, it is believed that on these grounds Claim 10 is patentable. Additionally, since apparently the Examiner has given no weight to the last “wherein” paragraph of Claim 10. This paragraph has been removed from the claim and provided in Claim 21. Thus, it is believed that Claim 21 is patentable due its dependence upon Claim 10.

Should the Examiner disagree with this analysis of Claim 10 and Monk, it is respectfully requested that the Examiner provide clarification as to how the Examiner's "contact portion" contacts the wrapper 32 *for thereby supporting* Monk's structural assembly.

Rejection of Claim 11 Under 35 U.S.C. 102(b)

The Examiner rejects Claim 11 stating that "Monk discloses the contact portion to include a portion of the length (18) extending through the desired article (32) wherein the article (32) supports the device regardless of an orientation of the desired article (32) about the length."

However, as discussed above in reference to Claim 10, the Examiner's identification of a "contact portion" does not fit with Monk's disclosure, e.g., the Examiner's "contact portion" neither contacts nor supports Monk's wrapper 32. And additionally, the Examiner's "contact portion": (i) does not extend through the wrapper 32, and (ii) is not required in order that "said desired article supports said device" as Claim 10 now recites. Accordingly, it is believed that Claim 11 is patentable.

Rejection of Claim 12 Under 35 U.S.C. 102(b)

The Examiner rejects Claim 12 stating that "Monk discloses the contact portion to include at least one portion of the second surface such that a portion of the desired article is secured between the portion of the first surface and the portion of the second surface." It is believed that Claim 12 is patentable both due to the patentability of Claim 10, and due to the reasoning provided above regarding paragraph (b) of Claim 10.

Rejection of Claim 14 Under 35 U.S.C. 102(b)

Claim 14 is believed to be patentable since Claim 10 patentable, and since the Examiner's identifications of elements of Claim 10 do not correspond with Monk's disclosure.

Rejection of Claims 16 - 18 Under 35 U.S.C. 102(b)

Claims 16 - 18 are believed to be patentable due to their dependence on Claim 1.

Rejection of Claims 2 and 13 Under 35 U.S.C. 103(a)

It is believed that Claims 2 - 9 are patentable due to their dependence upon Claim 1. It is believed that Claim 11-13 are patentable due to their dependence upon Claim 10.

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Rejection of Claims 15 and 19 Under 35 U.S.C. 103(a)

Claims 15 and 19 are believed to be patentable due to their dependence upon Claims 10 and 1 respectively.

Request to Withdraw Decision of the Previous Office Action Being Final

In the event that the Examiner is not persuaded as to the patentability of the claims herein, it is requested that the Examiner allow the Applicant to address any new references and/or relabeling of components from Monk with an additional response. This is believed appropriate in that the Examiner's most recent relabeling of components from Monk do not correspond with the limitations of the claims.

New Claims

New Claim 20 is dependent upon Claim 1 and is believed to be patentable due to its dependence on Claim 1. Additionally, this claim is also believed to be patentable in that it recites a novel aspect of the invention not shown in the prior art.

New Claims 21 and 22 are dependent upon Claim 10 and are believed to be patentable due to their dependence on Claim 10. Additionally, these claims are also believed to be patentable in that each recites a novel aspect of the invention not shown in the prior art.

Applicant's counsel requests the courtesy of a telephone interview to discuss the present case in the event the Examiner has any further questions or concerns relating thereto. Applicant's counsel can be reached directly at (303) 863-2977.

Enclosed is a check in the amount of \$18.00 for the addition of two claims in excess of twenty. Applicant believes that no other fees are due in connection with the filing of this paper. However, in the event that fees are due, please debit Deposit Account No. 19-1970.

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Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version With Markings to Show Changes Made."**

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 has been amended as follows:

1. (Twice Amended) A device for attaching one or more items thereto, comprising,

an extended post having at least one aperture running transversely therethrough;

said post operatively connected to a shoulder, whereby when said device is affixed

5 to a desired article having: (i) an interior side facing toward an interior volume defined substantially by said desired article, said interior volume adapted for placing one or more body portions or objects therein, and (ii) an exterior side facing substantially away from the interior volume, wherein said shoulder is positioned on said interior side, and said extended post includes at least an outwardly extending portion that extends outwardly
10 from said exterior side;

a first portion, connecting between at least a portion of said shoulder and said outwardly extending portion, for providing support to [supporting] said device on said desired article, wherein a user of said device can reversibly attach different items to said device by inserting for each of said different items an attachment in said aperture
15 provided in said outwardly extending portion.

Claim 10 has been amended as follows:

10. (Twice Amended) A device for attaching one or more items thereto, comprising:

an extended post having a length and at least one aperture running transversely of said length;

5 a shoulder having first and second [opposed] surfaces, and being operatively connected to said post, wherein said post includes a portion that extends outwardly from at least said first surface and said aperture is on said outwardly extending portion of said post;

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10 a contact portion for contacting the [a] desired article for thereby supporting [so that] said device [is supported] on said desired article, said contact portion including at least part of said first surface for contacting said desired article when said device is supported on said desired article, and wherein said desired article supports said device by requiring [when] one of (a) and (b) following hold:

15 (a) said contact portion includes a portion of said length extending through said desired article wherein said desired article supports said device regardless of an orientation of said desired article about said length, and

(b) said contact portion includes at least a portion of said second surface such that a portion of the desired article is provided [secured] between said portion of said first surface and said portion of said second surface for securing said device to the desired
20 article, wherein said first and second surfaces confront one another;

wherein a user can reversibly attach different items to said device by inserting for each of said different items a corresponding attachment in said aperture[;

wherein said desired article is portable with the user and includes at least a portion which conforms to a part of the user's body contacting said desired article].

Claim 12 has been amended as follows:

12. (Once Amended) The device of Claim 10, wherein said contact portion includes said portion of said second surface such that a portion of desired article is provided [secured] between said portion of said first surface and said portion of said second surface for securing said device to the desired article, wherein said first and
5 second surfaces confront one another.

Claim 16 has been amended as follows:

16. (Once Amended) The device of Claim 1, wherein said article includes a flexible portion that is adapted to conform [for conforming] to the user's body.

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Claim 18 has been amended as follows:

18. (Once Amended) The device of Claim 1, wherein said first portion includes [ncludes] an extent of said post extending through said desired article such that said device is supported on said desired article independently of a orientation of said extent of said post relative to said desired article.

Claim 19 has been amended as follows:

19. (Once Amended) The device [divice] of Claim 1, wherein the desired article includes one of: jeans, a pair of pants, and an overall.

Claims 20-22 have been added.